

REMARKS

Claims 1-9 and 11-16 are presently pending in the application.

Claim 1 has been amended to incorporate the subject matter from claim 10, which has been canceled. Claim 9 has been rewritten in independent form. No new matter has been added by these amendments. Further, since the subject matter of claims 9 and 10 has been deemed allowable by the Examiner in the present Office Action, these amendments serve to place the application in condition for allowance, and entry after final is proper and respectfully requested.

Applicants acknowledge and appreciate the Examiner's indication that claims 9 and 10 are only objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form. The Examiner acknowledges that Driskill does not teach the distance between the glue dots, and that there is nothing in Driskill to suggest that the claimed amounts of glue would be obvious to one skilled in the art.

However, the Examiner has rejected claims 1-8 and 11-16 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,925,732 of Driskill et al. ("Driskill"). Briefly, the Examiner argues that Driskill teaches a laminate comprising flexible moisture permeable adherends and a moisture permeable adhesive. The Examiner argues that in Example 4, Driskill teaches that a cowhide leather and a waterproof material (made by adhering a membrane to a knit fabric) were made into a laminate as follows. Adhesive D was applied to a 7.5 cm square of each material in a dotted pattern and allowed to dry for two hours. The two coated faces were then placed together and heat was applied with a household iron to the fabric side of the laminate for about 20 minutes (such that the glue pattern would have to be on the opposite side of the laminate to avoid sticking to the iron). The thickness of the layer was allegedly 25 microns. The Examiner further argues that Driskill employs a one-component, hydrophilic, block polyurethane. Finally, regarding claim 12, the Examiner contends that a shoe would inherently be made with two or more pieces of leather sewed together. Based on these teachings, the Examiner concludes that the present invention would have been obvious based on Driskill. Applicants respectfully traverse this rejection as follows.

While not necessarily agreeing with the Examiner's basis for rejection, the subject matter of claim 10, which the Examiner acknowledges is not taught or suggested by Driskill, has been incorporated into claim 1, and claim 9 has been placed in independent form. Accordingly, the

rejection is moot, and Applicants respectfully submit that all of the pending claims are patentable over Driskill, and reconsideration and withdrawal of the § 103(a) rejection based on Driskill are respectfully requested.

Based on the preceding Amendments and Remarks, it is respectfully submitted that the pending claims are patentably distinct over the prior art of record and in condition for allowance. A Notice of Allowance is respectfully requested.

Respectfully submitted,

ANTONIO MORLACCHI

September 9, 2004
(Date)

By:

Sandra M. Katz
SANDRA M. KATZ

Registration No. 51,864

AKIN GUMP STRAUSS HAUER & FELD LLP

One Commerce Square

2005 Market Street, Suite 2200

Philadelphia, PA 19103-7013

Telephone: 215-965-1200

Direct Dial: 215-965-1344

Facsimile: 215-965-1210

E-Mail: skatz@akingump.com

WWS/SMK:smk